

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

DREW R. FLYNT,

Plaintiff,

v.

CIV No. 99-911 JC/KBM

TCI CABLEVISION of NEW MEXICO,  
INC., a New Mexico Corporation  
d/b/a TCI MEDIA SERVICES,

Defendant.

**MEMORANDUM OPINION AND ORDER**

THIS MATTER came on for consideration of Plaintiff's Motion to Strike Defendant's Motion for Summary Judgment, Memorandum and Exhibits in Support Thereof, filed November 7, 2001 (*Doc. 83*) and Defendant's Motion for Summary Judgment, filed October 19, 2001 (*Doc. 70*). The Court has reviewed the motions, the memoranda and exhibits submitted by the parties, and the relevant authorities.

The two rules at issue are D.N.M.LR Civ 10.5 and D.N.M.LR Civ 56. Under D.N.M.LR Civ 56, the movant, in a motion for summary judgment, must include a "concise statement of the reasons in support of the motion with a list of authorities relied upon...." D.N.M.LR Civ 10.5 requires that exhibits to motions, responses, or replies not exceed fifty pages unless both parties agree, or the court grants a motion, to exceed the page limit. In the present case, Defendants violated both rules. The rules, however, may be waived by the Court to avoid injustice. *See* D.N.M.LR 1.7. The Court, therefore, finds that justice would be best served by waiving the rules in this case. Defendants are admonished, however, not to ignore the rules in any future motions, responses or replies.

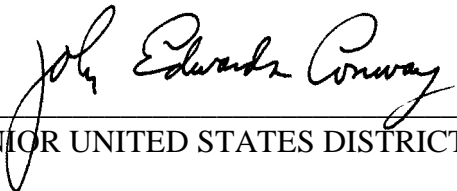
Turning to Defendant's Motion for Summary Judgment, the Court finds Plaintiff's Response to be an amalgamation of indecipherable statements and citations to excerpts from depositions. It is not the Court's responsibility to glean arguments from the multiple string citations with which Plaintiff burdens the Court. In the future, Plaintiff must state with more factual specificity the reasons why the Court should deny the motion and not merely rely upon excerpts from depositions.

Wherefore,

IT IS ORDERED that Plaintiff's Motion to Strike Defendant's Motion for Summary Judgment, Memorandum and Exhibits in Support Thereof, filed November 7, 2001 (*Doc. 83*) is DENIED.

IT IS ORDERED that the Plaintiff will have twelve (12) calendar days from the date of entry of this Order to resubmit his Response to Defendant's motion for summary judgment. If Defendant so desires, it will have twelve (12) calendar days from the date of Plaintiff's resubmission to refile its Reply.

DATED December 20, 2001.

  
\_\_\_\_\_  
SENIOR UNITED STATES DISTRICT JUDGE